

CONFIDENTIAL

File

H24

17 February 1954

MEMORANDUM FOR THE RECORD

SUBJECT: Gifts or Awards from Foreign Government

1. A resume of the status of the law and regulations or procedures has been requested with reference to the acceptance of gifts or awards from a foreign government made to any officer or employee of this Agency. The following statutes, regulations, and procedures are controlling.

2. STATUTES. By statute enacted January 31, 1881, 21 Stat. 604, 15 USC 115, it is provided:

"§ 115. Same; delivery through State Department. Any present, decoration, or other thing, which shall be conferred or presented by any foreign government to any officer of the United States, civil, naval, or military, shall be tendered through the Department of State, and not to the individual in person, but such present, decoration, or other thing shall not be delivered by the Department of State unless so authorized by act of Congress."

This section of the statute constitutes the basic law on the subject. A subsequent statute enacted in 1934 as 15 USC 115A may at first seem to establish a procedure for the submission of a list of such gifts or awards to the Congress but this is applicable only to retired officers or employees of the United States.

It should be noted that the wording of Section 115 renders it applicable only to those cases where the gift or award is presented "by any foreign government" and is not applicable to gifts from private individuals. It is frequently difficult to determine whether an individual or foreign government has presented a gift when that individual is an official of the foreign government. There are, by hearsay, numerous instances of rationalizing that the gift is from the individual rather than his government. This rationalization is not applicable in the case of awards, because the honor is usually created by official action of the foreign government.

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Under the provisions of Public Law 110, this Agency is exempted from the provisions of Section 115, set forth above, in any case where the adherence to this part of the statute would reveal the name or names of personnel or where following such procedure would impair the protection of intelligence sources.

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3. REGULATIONS. Because of the exemptions provided by Public Law 110, this Agency has adopted a policy of submitting to the Department of State all such cases which do not fall within the protection of Public Law 110. Pursuant to this policy, this Agency adopted [REDACTED] on 15 October 1953. This regulation states the policy, summarizes the general provisions of the statute quoted above, and sets forth internal procedures whereby the Director of Security determines whether the statute should be followed and attends to the submission of names, gifts and awards to the Secretary of State.

The Department of State has enacted no regulation which sets forth their internal procedures in such matters. They have merely asked each Executive department or agency of the Government to submit a list during the month of December of each year which sets forth the names and a description of the gift or award during the past calendar year. Otherwise the details of gifts or awards are determined by internal procedures within the Department of State.

4. PROCEDURES. Inquiry has been made to the State Department and they advised that any such gift or award received by an officer or employee of this Agency which would be submitted outside of the normal channels of our list presented in December of each year should be directed to the office of the Chief of Protocol. This submission should be made in the form of a physical delivery of the gift or award to Mr. Charles Spruks of that office (Extension 5937). Simultaneously with the physical delivery of the object, a draft of a bill to legalize the acceptance of the gift or award should be delivered to Mr. George Gray (Extension 5005) of the Legislative Office of the State Department. This bill should be prepared in advance by our Agency and an agreement should be reached with Mr. Gray at that time as to whether his office or our office will attend to the legislative handling of the bill. Mr. Gray is of the opinion the bill may omit the name of the donor, in special cases and the circumstances explained in Committee as to why the name of the donor is not revealed. In all cases the name of the donee must be included along with a description of the gift.

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